

REMARKS

In the last Office Action, claims 30, 41, 42, 45-47 and 53 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8, 13, 17, 26, 29 and 30, respectively, of U.S. Patent No. 6,684,676. The Examiner advised that the nonstatutory double patenting rejection could be overcome by filing a terminal disclaimer.

Claim 12 was allowed, and claims 31-40, 43, 44 and 48-52 were objected to as being dependent upon a rejected base claim and were otherwise indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The present application is a division of parent application Serial No. 09/997,819, now U.S. Patent No. 6,684,676, and has been filed as a consequence of a restriction requirement made in the parent application. All of the claims in the present application are directed to species restricted out of the parent application pursuant to the restriction requirement. Under 35 U.S.C. §121, U.S. Patent No. 6,684,676 which issued on the parent application "shall not be used as a reference...against a divisional application." Therefore the nonstatutory double patenting rejection was made in error and should be withdrawn.

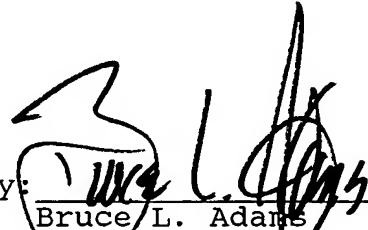
In the event the double patenting rejection is not withdrawn, a terminal disclaimer is submitted herewith disclaiming the terminal part of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,684,676. Also submitted is the required statutory disclaimer fee.

The filing of the terminal disclaimer, as noted by the Examiner, overcomes the obviousness-type double patenting rejection, thereby placing the application in allowable form. As the sole ground of rejection against the claims has been overcome, claims 12 and 30-53 are now in allowable form.

In view of the foregoing, favorable reconsideration and passage of the application to issue are respectfully requested.

Respectfully submitted,

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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: MS FEE AMENDMENT, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

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MAY 4, 2005

Date